

## **FISH and WILDLIFE COMMISSION AGENDA ITEM COVER SHEET**

**Meeting Date:** March 13, 2014

**Agenda Item:** Big Hole River and Powerhouse FAS Closure Rule

**Division:** Fisheries      **Action Needed:** Propose Rule

**Time Needed on Agenda for this Presentation:** 10 minutes

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### **Background**

The Montana Department of Transportation (MDT) notified FWP of its intent to conduct repairs and upgrades to Silver Bridge on the Big Hole River beginning July 1, 2014. Silver Bridge is adjacent to the Powerhouse FAS, near Divide. MDT will require the contractor to provide safe public float passage, including a 40' effective opening between instream construction-related obstructions, and appropriate navigational signage and hazard posting. MDT has informed FWP that it does not anticipate that the construction will create conditions that require temporary closures of the river or the FAS. However, as a precaution, MDT has asked the Commission to consider a rule that would authorize FWP, in consultation with the local Commissioner, to temporarily close the river and/or the FAS during the construction timeline (July 1 – October 15, 2014). The contractor would be required to notify FWP of such a request. The contractor would be responsible for posting signs at upstream access sites notifying the public about any temporary site or river closures. FWP would make it clear to MDT and the contractor that the Big Hole River is very popular among the angling public and important to the regional tourism economy. For these reasons, FWP would only consider closures if there are no other reasonable alternatives.

### **Public Involvement Process & Results**

Upon proposal of the rule, FWP would invite public comment and report back to the Commission with a final recommendation.

### **Alternatives & Analysis**

The Commission could choose not to propose a rule closing the river. This could lead to emergency conditions that would precipitate the adoption of an emergency rule to close the river and/or the access site.

### **Agency Recommendation & Rationale**

FWP recommends that the Commission propose the rule and initiate public involvement. The decision to close a river or an access site is not a trivial decision. The rule would allow the Department to assess the contractor's request for a closure and determine whether such action is warranted and whether there are alternatives that would have less impact on recreation opportunities without jeopardizing public safety.

### **Proposed Motion**

I move that the Commission propose an annual rule authorizing the Department, in consultation with the local Commissioner, to temporarily close a portion of the Big Hole River and/or the Powerhouse Bridge FAS to address public safety concerns related to the repair of Silver Bridge during the time period from July 1 to October 15, 2014.